

## REMARKS

Applicants acknowledge receipt of an Office Action dated March 9, 2007. In this response, Applicants have amended claims 1, 4 and 11 and have added new dependent claims 12, 13, and 14. Support for these amendments may be found in the specification, *inter alia*, in the second paragraph on page 4 of the Office Action. Following entry of these amendments, claims 1-14 are pending in the application.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

### Rejection Under 35 U.S.C. § 103

On page 2 of the Office Action, the PTO has rejected claims 1-11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 6,702,189 to Dedio (hereafter “Dedio”) in view of U.S. Patent 5,293,583 to Chudgar (hereafter “Chudgar”). Applicants traverse this rejection for the reasons set forth below.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants’ disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Here, Dedio and Chudgar, whether taken individually or in combination, fail to teach or suggest an electric heating device “wherein the emergency switch-off means is integrated in the control apparatus” as recited in independent claim 1. For at least this reason, Applicants submit that the outstanding rejection based upon the combination of Dedio and Chudgar is improper and ought to be withdrawn.

If an independent claim is nonobvious under § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). See MPEP 2143.03. Thus, Applicants submit that claims 2-11, each of which ultimately depends from

independent claim 1, are also non-obvious at least by virtue of their dependency from independent claim 1.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under § 103.

#### **Newly Added Claims**

In this response, Applicants have added claims 12, 13, and 14. Applicants submit that each of these claims is allowable for at least the same reason as independent claim 1 (from which each of these claims ultimately depends). With further regard to claims 12 and 13, Applicants note that Dedio and Chudgar, whether taken individually or in combination, fail to teach or suggest an electric heating device “wherein the control apparatus comprises a printed circuit board” as recited in claim 12 or “wherein the emergency switch-off means is integrated directly in the printed circuit board” as recited in claim 13.

#### **CONCLUSION**

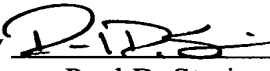
Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 9, 2007  
FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5540  
Facsimile: (202) 672-5399

By   
\_\_\_\_\_  
Paul D. Strain  
Registration No. 47,369  
Attorney for Applicant